

**PLACER COUNTY
AIR POLLUTION CONTROL DISTRICT**

STAFF REPORT

RULE 206, INCINERATOR BURNING

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BY

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BACKGROUND

The District first adopted Rule 206, Incinerator Burning in 1977 to regulate the emissions from incinerators. An incinerator is defined as any furnace or other closed fire chamber used to dispose of combustible or flammable materials by burning and from which products of combustion are directed through a flue, chimney or stack. There were no emission standards at the time.

The rule was revised in 1994 so that there would be standards for emission from incinerators, including crematories for which an Authority to Construct was issued after February 4, 1992. The standards were drawn from the medical waste incinerator toxics regulation that primarily addressed the formation in combustion of dioxins and furans from the plastics that often accompany hospital infectious waste and California Air Resources Board (CARB) test data and recommendations for resource recovery facilities. NO_x and other emissions limits were also included.

In 2013, Rule 206 was amended to remove the crematory requirements and put them in a separate Rule 241, Crematories. Staff determined that crematories could not meet the emission standards in Rule 206 and crematories should be regulated under a separate rule. This amendment was sent through the CARB to the U.S. Environmental Protection Agency (EPA) for approval into the State Implementation Plan (SIP).

EPA responded in December of 2014 with concerns about two items in the rule: (1) The frequency of performance or source testing was not specified and (2) Section 501.4 required monitoring the opacity of stack emission or other indicator of particulate matter which is approved by the air pollution control officer (APCO). EPA has objected to rules which allow alternatives approved by the APCO alone and not EPA and not specified in the Rule. As a result, the request for SIP approval of Rule 206 was withdrawn until the rule could be amended to address EPA's concerns.

DISCUSSION

The current Rule requires an initial source test and states that additional testing may be required. District staff recommends requiring annual testing and adding Section 502, Compliance Test Frequency: An initial compliance test shall be conducted within sixty (60) days of achieving the maximum firing rate at which the unit will be operated, but not later than one hundred eighty (180) days after the initial startup. Compliance testing shall be conducted at least once every twelve months thereafter.

In response to EPA's second issue (2), Section 501.4 would be acceptable to EPA if the wording "or other indicator of particulate matter which is approved by the Air Pollution Control Officer" is removed.

Section 105, Exemption, Medical Waste Incinerator has an outdated reference to Rule 906 Airborne Toxic Control Measure – Medical Waste Incinerators. Rule 906 was rescinded in

Staff Report – Rule 206, Incinerator Burning

Page 2 of 4

2012. This section should refer to the CARB Airborne Toxic Control Measure for Medical Waste Incinerators.

Section 106, Exemption, Residential Waste Incinerators, is renamed Exemption, Air Curtain Incinerators. The exemption under Regulation 3, Open Burning, for residential waste incineration is no longer required because the burning of residential waste, with the exception of vegetation, was prohibited in 2004 by the California Air Resources Board's "Airborne Toxic Control Measure to Reduce Emissions of Toxic Air Contaminants from Outdoor Residential Waste Burning". The Regulation 3 rules were significantly revised and updated in 2011 and 2012 and now reflect the 2004 ATCM so that residential rubbish burning is prohibited. Rule 301 – 306, as adopted February 2, 2012, are SIP approved. With the removal of the residential waste exemption, residential waste incineration will become subject to Rule 206 requirements. In place of the residential waste exemption, District staff have proposed an exemption for Air curtain incinerators incinerator as defined by §60.2245 of 40 CFR Part 60, Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units. Air curtain incinerators are not multiple chamber incinerators such as those that Rule 206 is applicable to, and air curtain incinerators are adequately regulated by Rule 301, Non-Agricultural Burning Smoke Management, requirements for mechanized burners; §41812 of the California Health and Safety Code, Operation of Mechanized Burners; and 40 CFR 60, Subpart CCCC, and 40 CFR 60, Subpart EEEE, Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Other Solid Waste Incineration Units, and other applicable regulations.

The EPA's State Implementation Plan still contains previous versions of the Incinerator Rule adopted in 1977 and 1978 which were in place when the District had rules for each of the District's three air basins (Sacramento Valley, Mountain Counties and Lake Tahoe). By adding references to pathological waste in the Section 101, Applicability, and adding a new Subsection 302.3, these outdated rules can now be removed because the proposed amended rule requires the same or more stringent pathological waste burning requirements as the older rules. The following SIP rules are superseded by the proposed amended Rule 206, Incinerator Burning which is adopted as a District-wide rule:

Air Basin	Rule Number	Rule Title	Federal Register Date	Federal Register Citation
Lake Tahoe Air Basin	206	Incinerator Burning/Pathological Incineration	05/18/1981	46 FR 27115
Mountain Counties Air Basin	206	Incinerator Burning/Pathological Incineration	11/15/1978	43 FR 53035
Sacramento Valley Air Basin	206	Incinerator Burning	11/15/1978	43 FR 53035

PUBLIC COMMENT

Public comment has been sought through a published notice for the public hearing at which the adoption of the amended rule will be considered. This notice invited public comment and provided contact information. Any written public comments received will be presented at the public hearing of October 13, 2016.

ANALYSIS

The following Analysis and the subsequent Findings are intended to address the requirements set forth in the Health and Safety Code relating to the adoption of a new or amended District Rule, as well as other State statutes referenced herein.

Cost-Effectiveness of a Control Measure

California Health & Safety Code (H&S) Section 40703 requires a District to consider and make public “the cost-effectiveness of a control measure”. The additional cost for annual testing is estimated to be as much as \$55,000 per year based on the EPA support documents for Subpart CCCC of 40 CFR Part 60 - New Source Performance Standards for Commercial/Industrial Solid Waste Incinerators constructed after November 30, 1999, Table 6C.

There should be no difference in emissions. Cost-effectiveness cannot be calculated.

Socioeconomic Impact

H&S Section 40728, in relevant part, requires the Board to consider the socioeconomic impact of any new rule if air quality or emission limits are significantly affected. However, Districts with a population of less than 500,000 persons are exempted from the socioeconomic analysis. The population of Placer County is approximately 367,000 persons.

California Environmental Quality Act (CEQA)

California Public Resources Code Section 21159 requires that an environmental analysis of the reasonably foreseeable methods of compliance be conducted. Compliance with the adopted rule is expected to result in no increase and no reduced emissions to the environment. The proposed amendments do not change the emission standards. Therefore, the proposed amended rule will not cause any significant adverse effects on the environment. Staff has concluded that no adverse environmental impacts will be caused by compliance with the proposed rule, as amended.

According to the above conclusion, Staff finds that the proposed rule amendment is exempt from the California Environmental Quality Act (CEQA) because 1) it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment (CEQA Guidelines §15061(b) (3)) and 2) it is an action by a regulatory agency for protection of the environment (Class 8 Categorical Exemption, CEQA Guidelines §15308).

FINDINGS

- A. **Necessity** – The adoption of this amendment to Rule 206 is necessary in order to gain EPA SIP approval.
- B. **Authority** – California Health and Safety Code, Sections 40000, 40001, 40701, 40702, and 40716 are provisions of law that provide the District with the authority to adopt this rule.
- C. **Clarity** – There is no indication, at this time, that the proposed amended rule is written in such a manner that persons affected by the rule cannot easily understand them.
- D. **Consistency** – The regulation is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations.
- E. **Non-duplication** – The regulation does not impose the same requirements as an existing state or federal regulation.
- F. **Reference** – All statutes, court decisions, and other provisions of law used by PCAPCD in interpreting this regulation is incorporated into this analysis and this finding by reference.

SUMMARY

Staff recommends adoption of Rule 206, Incinerator Burning, as amended and as shown in Attachment #1; as a requested District-wide SIP revision and superseding the Rule 206 measures that are currently in the SIP for the Lake Tahoe Air Basin, Mountain Counties Air Basin, and the Sacramento Valley Air Basin portions of Placer County.

ATTACHMENT #1

Subject:

**PROPOSED AMENDMENTS TO
RULE 206, INCINERATOR BURNING**